

RULEMAKING NOTICE FORM

Notice Number 2009-46 Rule Number He-W 658.01

1. Agency Name & Address: Dept. of Health & Human Services Division of Family Assistance Brown Building 129 Pleasant St. Concord, NH 03301	2. RSA Authority: RSA 167:3-c,II and RSA 167:7, I, I-a, and II 3. Federal Authority: _____ 4. Type of Action: Adoption _____ Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment <u>X</u>
--	--

5. Short Title: **FINANCIAL ASSISTANCE TO NEEDY FAMILIES STANDARD OF NEED**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The Standard of Need (SON) for the Financial Assistance to Needy Families Program is used to determine the period of ineligibility for cases receiving lump sum income, and eligibility and benefit amount for cases which have deemed income from financially responsible spouses, grandparents, parents, ineligible alien parents or alien sponsors. The amendment increases the SON, which may result in shorter periods of ineligibility for those cases that are currently ineligible due to receipt of lump sum income, or in less income being counted for those cases with deemed income.

6. (b) Brief description of the groups affected:

The rule affects Financial Assistance to Needy Families applicants and recipients who have income deemed to their household or who receive a lump sum.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<u>Rule Number</u>	<u>Section Title</u>	<u>RSA/Federal Citation</u>
He-W 658.01	<u>Financial Assistance to Needy Families (FANF) Standard of Need</u>	RSA 167:3-c,II, RSA 167:7,II, and 45 CFR 233.20

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Maya Blanchette	Title:	Rules Coordinator
Address:	DHHS/Office of Program Support 129 Pleasant St., Brown Building Concord, N.H. 03301	Phone #:	271-4190
		Fax#:	271-5590
		E-mail:	maya.blanchette@dhhs.state.nh.us

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:
<http://www.dhhs.state.nh.us/DHHS/ADMINRULEMAKING/default.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: Monday, May 11, 2009

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, April 30, 2009 at 10:00 AM**

Place: **DHHS, Brown Building, Room 232, 129 Pleasant St, Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 09:039 , dated March 20, 2009

Fiscal Impact Statement for Department of Health and Human Services rules governing Financial Assistance to Needy Families Standard of Need. [He-W 658.01]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the previous rules, the proposed rule change increases Financial Assistance to Needy Families (FANF) Standard of Need (SON) which could result in an increase in state expenditures. The Department has no information to determine the number of cases that will receive lump sum income or require deeming; however the lump sum income and deeming cases represent a small percentage of the FANF caseload.

2. Cite the Federal mandate. Identify the impact of state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

The proposed rule change increases Financial Assistance to Needy Families (FANF) Standard of Need (SON) which could result in an increase in state expenditures.

B. To State citizens and political subdivisions:

The FANF SON is used to determine the period of eligibility for cases receiving lump sum income and eligibility and benefit amounts for cases which have deemed income from financially responsible spouses, grandparents, parents, ineligible alien parents or alien sponsors. The increase in the FANF SON may result in shorter periods of ineligibility for those cases that are currently ineligible due to receipt of lump sum income or in less income being counted for those cases with deemed income.

C. To Independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state and, therefore, does not violate Part I, Article 28-a of the N.H. Constitution.**

Readopt with amendments He-W 658.01, effective 7/1/08 (Document #9194), to read as follows:

He-W 658.01 Financial Assistance to Needy Families (FANF) Standard of Need.

(a) The standard of need for FANF shall:

(1) Be based upon the size of the assistance group; and

(2) Consist of 2 components:

a. The basic maintenance needs allowance (BMNA); and

b. Shelter costs, if incurred, up to a maximum of ~~\$340~~\$341.

(b) The amount of the FANF standard of need shall be determined and updated in accordance with:

(1) RSA 167:7, II;

(2) RSA 167:3-c, II;

(3) The "Report on Cost of Living and AFDC Need and Payment Standard Options," July 1991, a report of the committee for SB 153 created by Chapter 390, Laws of 1989; and

(4) 45 CFR 233.20 (a)(2).

(c) The monthly BMNA amount for assistance group sizes 1 through 12 shall be as listed in Table 600-9, BMNA, below.

Table 600-9, BMNA

Assistance Group Size	BMNA
1	\$1,497 <u>\$1,512</u>
2	\$2,084 <u>\$2,104</u>
3	\$2,688 <u>\$2,714</u>
4	\$3,240 <u>\$3,271</u>
5	\$3,765 <u>\$3,802</u>
6	\$4,475 <u>\$4,518</u>
7	\$5,026 <u>\$5,075</u>
8	\$5,841 <u>\$5,897</u>
9	\$6,296 <u>\$6,357</u>
10	\$6,970 <u>\$6,938</u>
11	\$7,732 <u>\$7,807</u>
12	\$8,363 <u>\$8,444</u>

(d) The BMNA for family sizes over 12 shall be calculated by determining the appropriate basic maintenance payment allowance for that household size pursuant to He-W 658.02, and dividing it by ~~0.442~~0.431.

(e) When a FANF assistance group is charged for any shelter related costs, the standard of need for the group shall be the sum of:

(1) The BMNA for the appropriate group size; and

(2) Actual shelter costs up to the maximum specified in (a)(2) above.

(f) When a FANF assistance group is not charged for shelter related costs, the standard of need for the group shall consist only of the basic maintenance allowance for the appropriate group size.

(g) Any portion of the shelter related costs that is paid by an individual, agency, organization, or governmental unit outside the assistance group shall not be considered a shelter charge to the FANF assistance group.

(h) When a FANF assistance group changes its shelter arrangement, the standard of need shall be based on the new shelter expenses regardless of arrearages owed for the previous shelter.

(i) Utility costs, such as electricity, heat, water, or sewage, that are incurred separately from shelter costs shall not be allowable shelter expenses.

(j) For privately owned homes, shelter expenses shall be costs attributable to owning the home, including, but not limited to:

- (1) Property taxes;
- (2) Mortgage principal and interest;
- (3) Fire insurance premiums;
- (4) If living in a mobile home, lot rental; and
- (5) If living in a condominium, mandatory condominium fees.

(k) Shelter expenses shall not include upkeep costs.

(l) For a boarding arrangement as defined by He-W 601.30, shelter expenses shall be the higher of the following figures:

- (1) The assistance group's payment for board decreased by the food stamp program maximum "Thrifty Food Plan amount for the 48 states and DC", as determined and published annually in the Federal Register by the United States Department of Agriculture in accordance with 7 CFR 273.10(e)(4) for a household size equivalent to the total number of boarders; or
- (2) The assistance group's payment for board decreased by actual expenses for food.

(m) The shelter expense amount calculated for a boarding arrangement shall be used until the next redetermination of eligibility, regardless of increases in the thrifty food plan amount, unless the assistance group reports a change in household size, boarder payments, or shelter costs.

(n) For FANF children who live with a caretaker relative who is not included in the FANF assistance group, shelter expenses shall be the verified amount, if any, the caretaker relative actually charges the child for housing.

(o) If a FANF casehead is prohibited from receiving FANF financial assistance due to the receipt of SSI or adult category financial assistance, shelter costs of the assistance group including the casehead shall be allowed.

(p) The annual revision of the standard of need required by RSA 167:7, II, shall be done for July 1 of each year, in accordance with the "Report of Cost of Living and AFDC Need and Payment Standard Options," July 1991, prepared for the committee for SB 153, Chapter 390,

Laws of 1989, using the most current information available, as follows:

- (1) When the report recommends using the "Consumer Price Index" (CPI) for updating the standard of need, the "Percent Change From the Previous Year's Average" of the "Consumer Price Index for All Urban Consumers" (CPI-U), as published by the United States Department of Labor, Bureau of Labor Statistics, and reported in "Economic Conditions in NH," a monthly report by the department of employment security, shall be used;
- (2) When current year information is not available for updating, the percent change for the previous year, if an increase, shall be used to project the change in cost of living for the year ahead;
- (3) If the percent change for the previous year is negative or zero, the change in cost of living shall be considered to be zero; and
- (4) Before the standard is adjusted for the next year's projected inflation, the standard shall be adjusted, positively or negatively, to reflect the previous year's actual change in cost of living rather than the projection previously used.

CROSS REFERENCE TABLE

<u>Rule Number</u>	<u>Section Title</u>	<u>RSA/Federal Citation</u>
He-W 658.01	<u>Financial Assistance to Needy Families (FANF)</u> <u>Standard of Need</u>	RSA 167:3-c, II, RSA 167:7, II, 45 CFR 233.20